**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA 3897/2000(O&M)
Date of decision:30/08/2013**

Kamla Devi

.....Appellant

v.

Goro and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.KS Dadwal,Advocate and
Ms.Neha Jain,Advocate for the non-applicant/
appellant (plaintiff)
Mr.Deepak Verma,Advocate for the applicants/
respondents 1 and 2 (defendants)

Jaswant Singh,J.(Oral)

Plaintiff/appellant Smt.Kamla Devi claiming herself to be wife of one Kabal Singh filed a suit for declaration that she is a limited owner in joint possession of land measuring 1K12M out of total land measuring 61K16M, as fully detailed and described in the head note of the plaint on the basis of a Will dated 6.12.1989 executed by one Fauja Singh, collateral of her alleged husband Kabal Singh. She also challenged the mutation dated 22.8.1990 showing the land to be in the ownership of defendants 1 and 2, who are the nieces of said Fauja Singh, on the basis of natural succession.

Joshi Rajinder Prashad
2013.09.13 13:19
I attest to the accuracy of this
Order.
High Court, Chandigarh.

Both the courts below discarded the Will and the learned Additional Civil Judge (Senior Division) Garshankar vide judgement and decree dated 30.7.1998 dismissed the suit and the findings thereof were affirmed in appeal of the plaintiff by the learned Additional District Judge, Hoshiarpur vide judgement and decree dated 4.9.2000.

The present appeal was admitted on 25.7.2003 while directing the parties to maintain status quo regarding possession.

During the pendency of the appeal, appellant Kamla Devi died and vide order dated 6.9.2012 her legal representatives were ordered to be brought on record for the purpose of present appeal only.

Now CM No.2725-C/2012 has been filed for dismissing the present appeal as infructuous in view of death of plaintiff/appellant-Kamla Devi in the light of her limited prayer in the suit for claiming limited ownership during her lifetime.

Notice of the application was issued to the counsel for the appellant.

Counsel for the non-applicant/plaintiff-appellant is unable to refute the aforesaid contentions of the decree holders in the aforesaid application.

In view of the above, the present second appeal is dismissed as having become infructuous.

30.08.2013. **(Jaswant Singh)**
joshi **Judge**

Joshi Rajinder Prashad
2013.09.13 13:19
I attest to the accuracy of this Order.
High Court, Chandigarh.